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Documents on Prisoners of War

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DOCUMENT NO. 11

DECREE OF 25 MAY 1793 OF THE FRENCH NATIONAL CONVENTION CONCERNING A UNIFORM METHOD FOR THE EXCHANGE OF PRISONERS [OF WAR]

SOURCE
1 DeClercq 225

NOTE

As will easily be seen, this Decree of the French National Convention goes far beyond the subject matter referred to in its title. While it continues the egalitarianism of the Decree of 16 September 1792 (DOCUMENT NO. 10), enacted by its predecessor legislative body, the National Assembly, the present Decree makes it clear in several places that French implementation thereof will depend entirely upon reciprocity by the enemies of France; and even the common soldier can only expect to receive the basic benefits of this statute if his country provides them for French prisoners of war held by it. (The 1949 Geneva Prisoner-of-War Convention (DOCUMENT NO. 108) eschews reciprocity as a requirement for compliance by either side. There is a growing body of evidence that this may well have been a mistake.)

EXTRACTS

1. There shall be no monetary table for the exchange of prisoners of war.
2. There shall be no table of exchange under which an officer or non-commissioned officer, of whatever grade he may be, is to be exchanged against a greater number of individuals of a lower grade.
3. The common basis for the exchange of prisoners of war, which no modification may alter without the express consent of the National Convention, shall be to exchange man for man, grade for grade.
4. No exchange shall be made except after a list has been prepared containing the names and grades of the prisoners to be exchanged.
5. Individuals who are simply attached to the army and who are not combatants shall not be considered to be prisoners of war. Accordingly, they shall be returned as soon as they have been claimed and have been sufficiently identified, it being understood that such disposition shall be subject to reciprocity between the belligerents.
6. The commanding generals of the armies of the Republic are authorized to treat, in accordance with these principles, with the commanding generals of the enemy armies.
8. Prisoners of war who have not been included in an exchange cartel because they exceed the number of prisoners of war held by the enemy may be returned on their parole not to perform any service until they have been exchanged; they shall, therefore, be the first to be included in the next cartel; and two lists of their names shall be prepared, one for the enemy commanding

general and the other for the French commanding general, in order that both sides will be in a position to ensure the execution of these provisions.

14. No enemy prisoner of war shall be taken into the armies of the Republic and its commanding generals shall require reciprocal action by the enemy commanding generals.

15. The Republic shall pay, as subsistence, to the enemy officers, noncommissioned officers, and soldiers made prisoners of war, the amount of pay and allowances in effect in time of peace, at the grades corresponding to theirs in the French army; and when they receive their bread ration, it shall be on the same basis as for troops of the Republic.

19. The commanding generals shall also take care to advise the Minister of War of the exact status of the French who are prisoners of war, and they shall take the necessary action to be informed, not only of the number of such prisoners of war, but also of their situation, of the manner in which they are provided with subsistence, and of the treatment which they receive in the foreign country, in order to be in a position to send them assistance and protection through the enemy commander, and to ensure that proper action is taken on their complaints when they are well-founded.

20. The intention of the Republic being that the French officers and soldiers who, by the fortunes of war, have fallen into the power of the enemy, shall enjoy, until the time of their exchange, the pay and allowances of their grades, the army commanders shall make this intention known to the enemy commanders, as well as the table of peacetime pay and allowances, adjusted for the different grades, in order that the French prisoners of war may be treated by the enemy as the enemy prisoners of war are treated by the Republic.

22. The French prisoners of war who, by virtue of article 8 of the present decree, are sent back on parole, shall receive their peacetime pay and allowances until the time when, having been returned to the service of the Republic through the medium of exchange, they are able to rejoin their units.

23. The enemy prisoners of war who are sick or wounded shall be treated in the military hospitals of the Republic, either as ambulatory or as bed patients, with the same care as French soldiers receive, and their pay and allowances shall be subject to the same deductions as are made under similar circumstances for officers and soldiers of the Republic; it being understood that this treatment, dictated by justice and humanity, shall be reciprocated by the enemy toward French prisoners of war.